

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.27278 of 2009

ORDER:

This writ petition is filed assailing the order dated 13-11-2009 passed by the 5th respondent-District Collector, Kadapa District, whereby in appeal filed by the petitioner, the order of termination passed by the 3rd respondent, terminating the services of the petitioner as Addl. Programme Officer, on the alleged ground of misuse of funds meant for National Rural Employment Guarantee Scheme in Gram Panchayats, was confirmed.

2. Learned counsel for the petitioner, at the out set, stated that the impugned order passed by the 5th respondent-appellate authority is not a speaking order as it has not disclosed any reasons for confirming the order of termination passed by the 3rd respondent nor an opportunity of being heard was given to the petitioner and on this ground alone the impugned order is liable to be set aside and matter requires re-consideration.

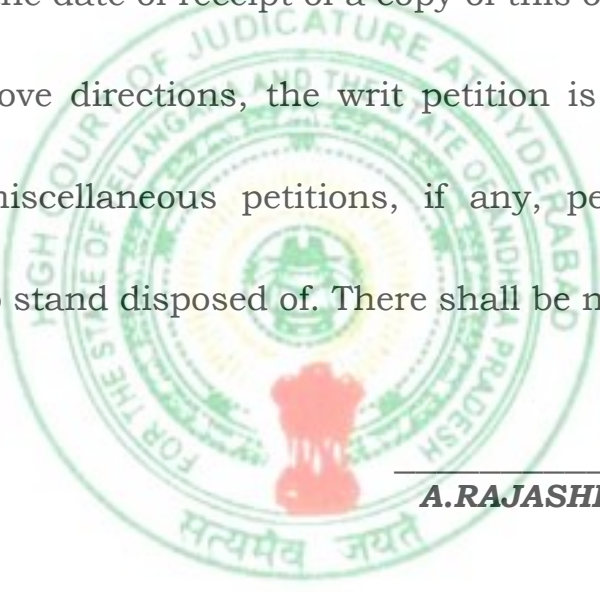
3. Heard learned Asst. Government Pleader for Panchayat Raj for the respondents.

4. On a perusal of the impugned order, it is clear that no reasons are stated for coming to the conclusion that order of termination of the services of the petitioner deserved to be confirmed. Appeal is a continuation of disciplinary proceedings and subjective satisfaction of

the appellate authority to confirm the order of the primary authority is to be based on manifest reasons, but not to be inferred.

5. In the circumstances, the impugned order is set aside and the matter is remanded to the file of 5th respondent for consideration afresh for passing appropriate orders thereon in accordance with law, after giving opportunity of hearing to the petitioner, including the proportionality of the punishment *vis-à-vis* the charges levelled against petitioner. This entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall also stand disposed of. There shall be no order as to costs.



A.RAJASHEKER REDDY, J

Dated:04-11-2016
NRG

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